

KC FILED
MAR 12 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES COLE,

Plaintiff,

vs.

NO.

CITY OF CHICAGO,
SECRETARY OF STATE,
JESSE WHITE,
CONSIDINE # 3775,
SGT. O'GRADY # 2035,

Defendants.

08CV1487

JUDGE MANNING

MAGISTRATE JUDGE BROWN

NOTICE OF FILING

TO: James Cole
4417 S. Wood, 1st Floor R
Chicago, IL 60609

PLEASE TAKE NOTICE that I have filed this day with the Clerk of the above Court a
NOTICE OF REMOVAL, a copy of which is attached hereto and herewith served upon you.
DATED at Chicago, Illinois this March 12, 2008.

Respectfully submitted,


Liza M. Franklin
Chief Assistant Corporation Counsel

30 N. La Salle St., Suite 1400
Chicago, IL 60602
(312) 744-5877; Atty. No. 06216088

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the above and foregoing
NOTICE OF FILING and NOTICE OF REMOVAL to be mailed to the person at the address
therein shown, on this March 12, 2008.


Liza M. Franklin
Chief Assistant Corporation Counsel

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
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Defendants.

08CV1487
JUDGE MANNING
MAGISTRATE JUDGE BROWN

NOTICE OF REMOVAL

Defendant City of Chicago, Chicago Police Officer Bernard Considine and Chicago Police Sergeant Thomas O'Grady, by their attorney, Liza M. Franklin, Chief Assistant Corporation Counsel of the City of Chicago, respectfully remove the above entitled action to this Court, pursuant to 28 U.S.C. §1441(b) and (c), §1446, and on the following grounds:

1. Defendants City of Chicago, Considine and O'Grady were named as defendants in a civil action filed on January 24, 2008, in the Circuit Court of Cook County of the State of Illinois, case number 08 L 851, entitled James Cole v. City of Chicago, et al.
2. The summons and complaint were served upon defendant Considine on or about February 12, 2008 and defendant O'Grady on or about February 13, 2008. See summons and complaint attached hereto as Exhibit A.
3. Plaintiff brings this action pursuant to 42 U.S.C. § 1983 and Illinois common law. Plaintiff alleges that the defendants falsely arrested, conspired to falsely arrest, assaulted, battered

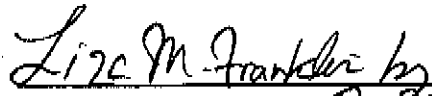
and failed to obtain medical attention for the plaintiff in violation of his rights under the fourth and fourteenth amendment of the United States Constitution and his rights under Illinois law.

4. Defendants are entitled to remove this action to this court, pursuant to 28 U.S.C. §1441(b) and (c).

5. It appears from the face of plaintiff's complaint that this is, in part, a civil rights action which arises under the United States Constitution and involves a federal question. Plaintiff's complaint alleges, among other things, that the defendants violated the rights of the plaintiff as guaranteed by the United States Constitution.

WHEREFORE, defendants City of Chicago, Considine and O'Grady respectfully request that the above-entitled action now pending in the Circuit Court of Cook County in the State of Illinois, case number 08 L 851, be removed therefrom to this Court.

Respectfully submitted,


Liza M. Franklin
Chief Assistant Corporation Counsel

30 N. La Salle St., Suite 1400
Chicago, IL 60602
(312) 744-5877
Atty. No. 06216088

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

James Cole
Plaintiff(s)

City of Chicago Police Department Officer
Secretary of State Office
Considine #3775, Sgt. L. Brady #2635
Defendant(s)

No. 2008LJ00901
CALENDAR/BOOK E
PAGE 00300
Local Rule Practice

Contract _____

Amount Claimed \$ 2,000,000.00

Return Date _____

COMPLAINT

The Plaintiff(s) claim(s) as follows:

Illegal Arrest
Harassment
Illegal Seizure
Illegal Shakedown For Money

James Cole, certify that I am the _____
(Name) (Name of Attorney if applicable)
Plaintiff in the above entitled action. The allegations in this complaint are true.

Atty. No.: _____ Pro Se 99500 Dated: _____
Atty. (or Pro Se Plaintiff)
Name: James Cole
Address: 4417 S. Wood
City/State/Zip: Chicago IL 60649
Telephone: 773-775-6099

Signature _____

☐ Under penalties as provided by law pursuant to 735 ILCS 5/1-109 the above signed certifies that the statements set forth herein are true and correct.

2120 - Served
2220 - Not Served
2320 - Served By Mail
2420 - Served By Publication
SUMMONS

2121 - Served
2221 - Not Served
2321 - Served By Mail
2421 - Served By Publication
ALIAS - SUMMONS

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CCG N001-75M-2/28/05 (43480658)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, _____ DIVISION

(Name all parties)

James Cole
City of Chicago Police Secretary of State
Department, Officers v. Jesse White
Considine #3775
Sgt. O'Grady #2035

2008L0008S1
CALENDAR/ROOM E
TIME 00:00
Legal Malpractice

No. _____

Jesse White
Secretary of State
Springfield, Ill. 62756

SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- | | | |
|---|---|---|
| <input type="checkbox"/> Richard J. Daley Center, 50 W. Washington, Room _____, Chicago, Illinois 60602 | | |
| <input type="checkbox"/> District 2 - Skokie
5600 Old Orchard Rd.
Skokie, IL 60077 | <input type="checkbox"/> District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008 | <input type="checkbox"/> District 4 - Maywood
1500 Maybrook Ave.
Maywood, IL 60153 |
| <input type="checkbox"/> District 5 - Bridgeview
10220 S. 76th Ave.
Bridgeview, IL 60455 | <input type="checkbox"/> District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60426 | <input type="checkbox"/> Child Support
28 North Clark St., Room 200
Chicago, Illinois 60602 |

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

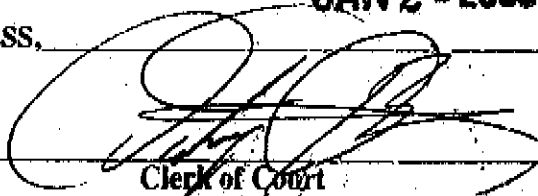
To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

JAN 24 2008

Atty. No.: _____
Name: James Cole
Atty. for: _____
Address: 4417 S. Wood 1st fl. R
City/State/Zip: Chicago, Ill. 60609
Telephone: _____

WITNESS, _____


Clerk of Court

Date of service: _____
(To be inserted by officer on copy left with defendant or other person)

Service by Facsimile Transmission will be accepted at: _____

(Area Code) (Facsimile Telephone Number)

James Cole

Jesse White - Secretary of State

Considine - Police Officer

Obrady - Police Officer

On the eve of May 25, 2007. At around 9:00 pm, I James Cole was asked from Officers was I alright. Yes I said, I was parked on Grand Ave and about to pull off. When the Officer informed me that I was under arrest for D.U.I. I ask how was I because my car wasn't moving, he said that because the keys was in the ignition. I said oh and raised my car window. They ask if I wanted to take a breath test. I said no not unless I have to, he said something about I had rights and I didn't have to. I was arrested for Driving Under Influence.

The car was parked and the Officers pulled up to my car, my windows was up and the car was not started until they pulled up. Matter fact, I had just got back in the car and I know these Officers are not going to lie because where the incident occurred the car was still there and perfectly parked and not towed. But they came all the way on 46th Wolcott and towed this car on July 8, 2007. I reported the car stolen on July 9, 2007. They kept this car until I wrote and informed the Secretary of State Office that this car was stolen and I was not going renew the plates and I couldn't not bring it down for an Emission test. I got the car back in Oct. or Nov.

On Dec. 2, 2007 a friend came by, her name is Carlistine Mekinsry. She was 8 months pregnant. She had no way to get home. I was giving her a ride when the police officers pulled us over. He said I ran a stop sign. No I hadn't ran a stop sign and I was glad she was in there with me. She told me they made her walk home. I believe these are the same police officers, that had illegally towed my car on July 8, 2007. As I said they kept this car until Oct. or Nov.

This is a violation of Constitutional Rights, 4th Amendment , 9th Amendment

I am going to court on this ticket, and have been since June 2007. My next court date is Jan.

18,2008. The court wants to hear what? That I have rights and they have definitely have been violated. Because we expand do not mean for a business to take on the color of court.

A fair trial is the law of the United States.

What this business has done (Secretary of State) .

1. Got me fired .- No Income .
2. Continue to addher this car: Prosperity
3. Got me in debt. Credit card, Behind in Rent, gas and light bills
4. Continue to tell me that I owe them money.
5. I have no more money in my bank account.
6. Violated my rights to live - Human Rights



Richard M. Daley
Mayor

Department of Police - City of Chicago
3510 S. Michigan Avenue • Chicago, Illinois 60653

Jody P. Weis
Superintendent of Police

11 February 2008

Mr. Scott Jebson
Chief Assistant Corporation Counsel
Department of Law
30 North LaSalle Street, Room 800
Chicago, Illinois 606021

RE: James Cole v City, et al.
08 L 851

Dear Mr. Jebson:

I am enclosing herewith a copy of Summons and Complaint Suit Number 08 L 851
Circuit Court of Cook Country of Illinois, which names all of the following Employees
and the City of Chicago as defendants:

<u>Name</u>	<u>Star# or Emp#</u>	<u>Unit/District</u>
PO Bernard Considine	3775	013
Sgt Thomas O Grady	2035	376

The Office of Legal Affairs will attempt to serve these Employees in the next few days.

Internal Affairs Division has been instructed to initiate an investigation on this complaint

This summons and complaint is sent to you for your attention and action as you may deem appropriate.

Sincerely,

William E. Bazarek

William E. Bazarek
Acting General Counsel to the Superintendent

WEB:ey